

CIVIL COVER SHEET

JS 44 - No. CALIF (Rev. 4/87)

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO)

I.(a) PLAINTIFFS

UNITED STATES OF AMERICA

DEFENDANTSNICHOLAS R. DARPINO aka NICK
R. DARPINO aka NICK DARPINO**(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)**COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
TRACT OF LAND INVOLVED.**(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)**
LAW OFFICE OF MICHAEL COSENTINO
P.O. BOX 129, ALAMEDA, CA 94501
510-523-4702

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION (PLACE AN "✓" IN ONE BOX ONLY)

- | | |
|---|--|
| <input checked="" type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "✓" IN ONE BOX FOR PLAINTIFF

(For diversity cases only)		AND ONE BOX FOR DEFENDANT	
PTF	DEF	PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation

IV. ORIGIN

(PLACE AN "✓" IN ONE BOX ONLY)

- | | | | | | | |
|---|---|--|---|--|---|--|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another district | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment |
|---|---|--|---|--|---|--|

V. NATURE OF SUIT (PLACE AN "✓" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury	<input type="checkbox"/> 423 Withdrawal	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 363 Personal Injury Product Liability	28 USC 157	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers Liability			<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input checked="" type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 160 Stockholders Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability		<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 180 Other Contract	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 892 Economic Stabilization Act
				<input type="checkbox"/> 893 Environmental Matters
				<input type="checkbox"/> 894 Energy Allocation Act
				<input type="checkbox"/> 895 Freedom of Information Act
				<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
				<input type="checkbox"/> 950 Constitutionality of State Statutes
				<input type="checkbox"/> 990 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motion to Vacate Sentence Habeas Corpus:	<input type="checkbox"/> 861 HIA (1395f)	
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 530 General	<input type="checkbox"/> 862 Black Lung (923)	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 864 SSID Title XVI	
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 560 Civil Rights	<input type="checkbox"/> 865 RSI (405(g))	
<input type="checkbox"/> 250 All Other Real Property		<input type="checkbox"/> 565 Prison Condition		
FEDERAL TAX SUITS				
			<input type="checkbox"/> 870 Taxes (US Plaintiff or Defendant	
			<input type="checkbox"/> 871 IRS - Third Party	
			28 USC 7809	

VI. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION **DEMAND \$** **JURY DEMAND:** YES NO

\$1,504.63

VIII. RELATED CASE(S) IF ANY PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".

IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE A "✓" IN ONE BOX ONLY) SAN FRANCISCO/OAKLAND SAN JOSE

DATE May 12, 2008

SIGNATURE OF ATTORNEY OF RECORD

1 MICHAEL COSENTINO, ESQ., State Bar No. 83253
 2 Attorney at Law
 2 P.O. Box 129
 3 Alameda, CA 94501
 3 Telephone: (510) 523-4702

4 Attorney for Plaintiff
 5 United States of America

E-filing

FILED
 03 MAY 16 AM 11:41
 CLERK'S OFFICE, N.D. OF CALIFORNIA
 100 FORTY-FIFTH STREET, SAN FRANCISCO, CALIFORNIA 94102-3498

7 IN THE UNITED STATES DISTRICT COURT
 8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

CV 08 Case No.

2498

11 Plaintiff,

SLM

12 v.

COMPLAINT
 (Student Loan\Debt Collection Case)

13 NICHOLAS R. DARPIDNO aka
 14 NICK R. DARPIDNO aka NICK DARPIDNO,

Defendant(s).

16 Plaintiff, through its attorney, alleges:

17 1. Jurisdiction: The Court has jurisdiction of this action under 28 U.S.C. Section
 18 1345.

19 2. Defendant resides in the Northern District of California.

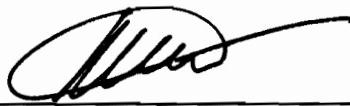
20 3. Defendant owes plaintiff \$1,504.63, plus additional interest according to the

21 Certificate of Indebtedness, a copy of which is annexed hereto as Exhibit A.

22 WHEREFORE, plaintiff demands judgment against defendant for the sum of

23 \$1,504.63, additional interest to the date of judgment, attorney's fees in the amount of
 24 33.33% of the debt, and court costs.

25 Date: May 12, 2008

26
 27
 28

 LAW OFFICE OF MICHAEL COSENTINO
 By: MICHAEL COSENTINO
 Attorney for the Plaintiff
 United States of America

CERTIFICATE OF INDEBTEDNESS

Nicholas R. Darpino
AKA Nick R. Darpino, Nick Darpino
1928 Trenton Dr.
San Jose, CA. 95124-1541
SSN: .5375

I certify that Department of Education records show that the borrower named above is indebted to the United States in the amount stated below plus additional interest from 9/27/06.

On or about 7/26/84, the borrower executed promissory note(s) to secure loan(s) of \$2,500.00 from Citibank (N.Y.S.) N.A., Rochester, NY. at 8.00 percent interest per annum. This loan obligation was guaranteed by California Student Aid Commission/Ed Fund and then reinsured by the Department of Education under loan guaranty programs authorized under Title IV-B of the Higher Education Act of 1965, as amended, 20 U.S.C. 1071 et. seq. (34 CFR Part 682). The holder demanded payment according to the terms of the note(s), and credited \$122.16 to the outstanding principal owed on the loan(s). The borrower defaulted on the obligation on 2/8/89, and the holder filed a claim on the guarantee.

Due to this default, the guaranty agency paid a claim in the amount of \$2,581.62 to the holder. The guarantor was then reimbursed for that claim payment by the Department under its reinsurance agreement. The guarantor attempted to collect the debt from the borrower. The guarantor was unable to collect the full amount due, and on 8/4/93, assigned its right and title to the loan(s) to the Department.

Since assignment of the loan, the Department has received a total of \$3,166.37 in payments from all sources, including Treasury Department offsets, if any. After application of these payments, the borrower now owes the United States the following:

Principal	\$1,504.63
Interest:	\$ 673.20
Administrative/Collection Costs:	\$ 0.00
Late Fees:	\$ 0.00
Total debt as of 9/27/06:	\$2,177.83

Interest accrues on the principal shown here at the rate of \$0.33 per day.

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct.

Executed on: 10/10/06

Name: Alberto Francisco
Title: Loan Analyst
Branch: Senior Loan Analyst
Branch: Litigation

EXHIBIT A